



U.S. Department of Justice

*National Drug Enforcement Policy Board*

Office of the Staff Director

January 9, 1987

MEMORANDUM

TO:

STAT

FROM: Jim Schollaert

SUBJECT: Biden Drug Czar Bill S.15, Introduced

Senator Byrd introduced the latest version of Senator Biden's Drug Czar bill on January 6, 1987. The bill contains some refinements since its last incarnation in the Senate Democrat Drug bill last fall. The bill purports to do the following:

- o Establishes in the executive branch an "Office of National Drug Control Policy, and authorizes \$1 million for its operation in FY 1988 merging responsibility for drug supply and demand reduction.
- o Creates the positions of Director of National Drug Control Policy, Deputy Director for Demand Reduction, and Deputy Director for Drug Law Enforcement. Appointed by the President for 4 year terms with the advice and consent of the Congress. No person shall serve in these positions while serving in the federal government in any other capacity.
- o Terminates the NDEPB.
- o Repeals the legislative authority for ODAP.
- o Adds the specific requirement for another separate category within OMB's budget submission detailing the federal drug control budget.
- o Gives this office the responsibility "to develop, review, implement and enforce policy" and "to direct and coordinate all federal drug enforcement and demand reduction programs."
- o Requires the preparation and submission of a National Drug Control Strategy within 180 days of enactment and every year thereafter on February 1.

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Data relating to the functions of the Board described in subsection (f); and

"(1) such personnel from the Office for the Analysis and Evaluation of Operational Data as the Director of the Office of Management and Budget determines are necessary to carry out the functions described in subsection (f).

"(2) There are hereby authorized to be appropriated for each of the fiscal years 1988, 1989, 1990, 1991, 1992, and 1993 the sum of \$5,000,000.

"(3) The Board shall terminate at the end of fiscal year 1993.".

By Mr. BYRD (for Mr. BIDEN):

S. 15. A bill to provide the framework necessary to pursue a coordinated and effective national and international narcotics control policy; to the Committee on Governmental Affairs.

## NARCOTICS LEADERSHIP ACT

• Mr. BIDEN. Mr. President, no general would send an army into battle without a commander. No corporation would undertake massive investment and restructuring without a plan. Unfortunately, that is what we continue to do in our struggle against drug traffickers and drug abuse in America.

Just 3 months ago, we passed the most sweeping revision of the Federal Drug Control Program in almost two decades, providing new criminal laws, new funds for law enforcement, and new programs for education and treatment. But we will need more than money to carry the fight against drug abuse into the next decade.

What we need most of all is a new dimension of leadership. Today, I come before this body to introduce legislation that would provide one person with the full authority and responsibility for leading this Nation's struggle against drug abuse. This proposal, dubbed the "Drug Czar," has previously passed both Houses of Congress with overwhelming majorities. We have all recognized that leadership is a sorely missing link in our Drug Control Program.

I am introducing this bill on the first day of the 100th Congress to emphasize the critical need for leadership in this area, and I can assure my colleagues that it will receive swift and thorough review in the Judiciary Committee.

The need for action is clear. The price that this Nation pays for its seemingly insatiable demand for drugs is staggering:

Drug traffickers make more each year than the profits of all the Fortune 500 companies combined.

Drug abuse costs this Nation almost \$60 billion per year in lost productivity, unemployment, health costs, and the like.

This year, the Federal Government alone will spend \$2.4 billion on drug control, with billions more spent by State and local governments.

Of course, the costs that this Nation pays for its drug habit cannot be measured in economic terms alone. The price we pay must be measured in terms of the lost lives, broken families,

and the dreams forsaken from drug abuse.

Despite the best efforts of this body, and this Congress, and even this administration—which has done a great deal in this area—we have not turned the corner on seriously reducing the supply of, or demand for, illicit drugs.

Five to six million Americans regularly use cocaine; one-half million Americans are addicted to heroin; over 20 million Americans abuse marijuana.

From 1975 to 1984, the amount of cocaine smuggled into the country quadrupled, and in 1986 it's estimated that 12 tons of heroin and up to 60,000 tons of marijuana will enter our borders.

And in the latest survey of graduating high school seniors, 61 percent—almost two-thirds—had tried an illicit drug, and over 17 percent used cocaine, the highest percentage ever reported.

Clearly, drug abuse is a national catastrophe. It poses a direct threat to the social and economic fabric of our cities and communities, and threatens our most precious resource—our children.

And many of the Members of this body must wonder why our efforts have not been more successful. I know the American people are wondering. In 1984, we passed the most massive revision of the Federal criminal code in history, with major changes to the organized-crime and drug laws. And we have devoted an unprecedented amount of resources to this struggle. In fact, we've doubled the drug control budget in the last 5 years.

Yet, as the statistics I cited reveal, we are not winning this struggle.

That is because we are fighting a battle against well-armed and well-equipped drug traffickers and yet we have no commander. We are investing billions of dollars to protect our streets and families, and yet we have no national strategy.

Simply put, we have no leadership. I am not speaking of the personal and moral leadership that the President has devoted to the drug issue. Nor am I speaking about the part-time leadership to the Attorney General, the Vice President, or the White House Drug Abuse Adviser, who periodically announce their leadership on such high-profile initiatives as the Bolivia military operation or drug testing. Instead, I am speaking about the day-to-day leadership, over the long haul, that is sorely missing from our drug control efforts.

The problem lies in that several officials are in charge of the Federal Drug Control Program, each with his own agenda and agency turf to defend. As a result, no one is really in charge. Since no single official is held accountable for the success or failure of the Nation's drug policy, some officials are more interested in advancing their own political agenda than they are in working constructively with other

agencies in a united fight against drug trafficking and abuse in America.

The lack of clear lines of authority and accountability, and the absence of a single, comprehensive strategy, has undermined our drug control effort, both domestically and abroad.

The recent U.S. military assisted cocaine raids in Bolivia were plagued from the outset by poor planning, inadequate intelligence information, and press leaks that jeopardized the whole operation. The first two raids turned up a few bewildered peasants, but no cocaine. And almost immediately, our Defense, Justice, and State Departments were squabbling over who was responsible for what went wrong.

The U.S. Embassy in Mexico was directed by the State Department not to accept names from DEA for the lookout system, because DEA has refused to give State access to their sources. DEA retaliated, and has refused to submit names of known and suspected traffickers. As a result, visas have undoubtedly been issued to known drug traffickers.

Recently, the Customs Service has sought authority to fly "hot pursuit" missions in the Bahamas. The Coast Guard and State Department have opposed this change, citing Customs' primary role for protecting our borders. The Bahamian Government sided with Customs and hired a high-priced Washington, D.C., public relations firm to persuade Congress to side with Customs. DEA officials were furious that they had to compete against big-name P.R. firms. In defense, the Prime Minister of the Bahamas said that the U.S. agencies often can't decide who should assist the local police, and in the meantime the smugglers escape.

For over 5 years, I have called for the creation of a single, Cabinet-level official who would be responsible for leading the Federal Drug Control Program. Vesting this person with Cabinet level rank is essential if he is to have the clout necessary to end bureaucratic infighting and petty agency turf battles.

This official would be responsible for developing a long-range national and international drug strategy, with our priorities explicitly spelled out. Along these lines, this official would have the responsibility to plan program budgets. Giving this official this type of budget authority is essential if we are to ensure that every one of the \$2.4 billion we will spend this year is spent wisely and efficiently in achieving the goals of our national plan.

In addition, this official would be responsible for leading this country's drug initiatives on both the supply and demand side of the drug abuse equation. For too long, we've placed too much reliance on law enforcement to solve this problem. But despite the tireless commitment of this Nation's law enforcement community, we need to recognize that the answer to solving

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the drug problem lies in a comprehensive approach, combining rigorous law enforcement with efforts aimed at the demand side, through education and prevention. Under my proposal, this recognition would become explicit, and our national strategy would be a comprehensive, unified plan, including all the necessary elements of a truly effective plan of action.

In 1982, I introduced a similar proposal, which quickly became titled the "Drug Czar." This bill was passed by both Houses of Congress with overwhelming majorities. The President, however, refused to take on the bureaucracy and, succumbing to the excuses of agency officials, vetoed the bill.

In 1983, Congress passed this legislation again. In the Senate it passed easily on a vote of 63 to 33. The President threatened to veto the bill again, and a compromise was reached, creating the National Drug Enforcement Policy Board. The Policy Board, chaired by the Attorney General, was charged with developing a national and international strategy, reviewing agency budgets, and overseeing implementation of the Federal drug control strategy.

To date, the Policy Board has simply failed to meet its mandate. Two years after the Board's creation we have no strategy. The Board has failed to develop a drug control budget. And when I say the Board has failed, I am not the only one who has recognized the Board's poor performance. The President's own Organized Crime Commission recently called the Board's performance "ambiguous" and declared that the Board has "failed to assert a clear leadership role." In the meantime, the Attorney General, the Vice President, and the White House Drug Adviser continue to lead this country's efforts, often in conflicting directions.

Two years is enough for this experiment. I believe it is time to place this enormous responsibility with one Cabinet level official who the Congress and the American people can look to as the leader in the struggle against drug abuse in this Nation.

I hope the President will now see the need for this very important piece of legislation, so that we can move this country toward our ultimate goal: a drug-free America. Thank you.

I ask unanimous consent that the text of the National Narcotics Leadership Act of 1987 be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

## § 16

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

## SECTION 1. SHORT TITLE.

This Act may be cited as the "National Narcotics Leadership Act of 1987".

## SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby makes the following findings:

(1) The flow of narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity and drug abuse falls across the entire spectrum of Federal activities, both nationally and internationally.

(3) Illegal drug trafficking is estimated to be a \$100,000,000 a year industry in the United States.

(4) The annual consumption of heroin in the United States remains in the range of four metric tons, sustaining one-half a million addicts, while cocaine consumption has increased sharply, with approximately five million to six million Americans using cocaine regularly.

(5) Drug abuse poses a threat to our most precious resource, our young people; with almost two-thirds of the graduating high school class of 1985 having used an illicit drug and 17 percent having used cocaine, the highest rate ever recorded since the survey has been taken.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and studies have shown that over 90 percent of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Any effective solution to the Nation's drug problem must involve a comprehensive approach from all levels of government, combining rigorous law enforcement and supply reduction initiatives with efforts to reduce the demand for drugs through education, research, and treatment.

(10) The magnitude and scope of the problem requires a Director of National Drug Control Policy with the responsibility for the coordination and direction of all Federal efforts by the numerous agencies.

(11) Such a director must have broad authority and responsibility for making management, policy, and budgetary decisions with respect to all Federal agencies involved in attacking this problem so that a unified and efficient effort can be made to eliminate the illegal drug problem.

(b) PURPOSE.—It is the purpose of this Act to ensure—

(1) the development of a national policy with respect to drug abuse and control;

(2) proper direction and coordination of all Federal agencies involved in the effort to implement such a policy; and

(3) that a single, competent, and responsible high-level official of the United States Government, who is appointed by the President, by and with the advice and consent of the Senate, and who is accountable to the Congress and the American people, will be charged with the responsibility of coordinating the overall direction of United States policy, resources, and operations with respect to drug control and abuse.

## SEC. 3. ESTABLISHMENT OF OFFICE.

(a) ESTABLISHMENT OF OFFICE.—There is established in the executive branch of the Government an office to be known as the "Office of the Director of National Drug Control Policy" (hereafter in this Act referred to as the "Office of the Director").

(b) DIRECTOR AND DEPUTY DIRECTORS.—(1) There shall be at the head of the Office of the Director, a Director of National Drug Control Policy (hereafter in this Act referred to as the "Director").

(2) There shall be two deputy directors of the Office of Director (hereafter in this Act

referred to as the "Deputy Directors") as follows:

(A) A Deputy Director for Demand Reduction to be responsible for prevention, treatment, research, and private sector initiatives; and

(B) A Deputy Director for Drug Law Enforcement to be responsible for domestic drug law enforcement, border interdiction, and international narcotics control programs.

The Deputy Directors shall assist the Director in carrying out the Director's functions under this Act.

## SEC. 4. APPOINTMENT AND DUTIES OF THE DIRECTOR AND DEPUTY DIRECTORS.

(a) APPOINTMENT.—(1) The Director and the Deputy Directors shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The Director and the Deputy Directors shall each serve at the pleasure of the President. No person may serve as Director or a Deputy Director for a period of more than four years unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. No person shall serve as Director or a Deputy Director while serving in any other position in the Federal Government.

(3) The Director shall be entitled to the compensation provided for in section 5312 of title 5, United States Code. The Deputy Directors shall be entitled to the compensation provided for in section 5314 of title 5, United States Code.

(b) FUNCTION OF DIRECTOR.—The Director shall serve as the principal director and coordinator of United States operations and policy on drug control and abuse.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall have the responsibility, and is authorized to—

(1) develop, review, implement, and enforce United States Government policy with respect to drug control and abuse;

(2) direct and coordinate all United States Government efforts to halt the importation, manufacture, distribution, and use of illicit drugs within the United States;

(3) direct and coordinate all United States Government efforts and programs to reduce the demand for illicit drugs through education, prevention, research and treatment;

(4) develop in concert with other governmental entities budgetary priorities and budgetary allocations of entities of the United States Government with respect to drug control and abuse;

(5) prepare a National and International Drug Control Strategy as provided in section 5; and

(6) coordinate the collection and dissemination of information necessary to implement United States policy with respect to drug control and abuse.

(d) POWERS OF DIRECTOR.—In carrying out his responsibilities under subsection (c) the Director is authorized to—

(1) direct, with the concurrence of the Secretary or Director of the Cabinet level agency employing such personnel, the temporary reassignment of Government personnel within the United States Government in order to implement United States policy with respect to drug control and abuse;

(2) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(3) accept and use donations of property from all Government agencies; and

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(4) use the mails in the same manner as any other department or agency of the Executive Branch.

(c) ~~Authority of Director.~~ ~~Notwithstanding any other provision of law, the Director shall have the authority to direct each department or agency with responsibility for drug control to carry out the policies established by the Director consistent with the general authority of each agency or department.~~

(d) ~~Intelligence Authority.~~ ~~Notwithstanding any other provision of law, the Director shall undertake no activities inconsistent with the authority and responsibilities of the Director of Central Intelligence under the provisions of the National Security Act of 1947, as amended, or Executive Order 12333.~~

(e) ~~General Services Administration Support.~~ ~~The Administrator of General Services shall provide to the Director on a reimbursable basis such administrative support services as the Director may request.~~

#### SEC. 3. PREPARATION AND SUBMISSION OF NATIONAL AND INTERNATIONAL DRUG CONTROL STRATEGY

(a) ~~Development and Submission of the Drug Strategy.~~ ~~(1) The Director shall submit to the Congress, within 180 days after the date of enactment of this Act, and on February 1st of each year thereafter, a full and complete National and International Drug Control Strategy (hereafter in this section referred to as the "Drug Control Strategy"). If necessary, sections of the Drug Control Strategy that involve classified information may be presented to Congress in closed proceedings.~~

(2) ~~The Drug Control Strategy shall be a forward looking blueprint for the Federal Government and the Nation to follow in reducing drug abuse, and shall contain projections for program and budget priorities and realistic and achievable projections for drug seizures, availability, purity, and drug usage for the next five years.~~

(3) ~~Commencing with the second report, the Drug Control Strategy shall include a full and complete report reflecting accomplishments with respect to the United States policy and priorities in the previous year.~~

(b) ~~Goals and Priorities.~~ ~~The Drug Control Strategy developed pursuant to subsection (a) shall include a full and complete list of goals and priorities in the areas of—~~

(1) ~~international narcotics control;~~

(2) ~~domestic and border drug law enforcement;~~

(3) ~~reducing the demand for drugs, through education, prevention, treatment, and research; and~~

(4) ~~cooperative efforts between the Federal and State and local governments in the area of drug control.~~

In addition, the Drug Control Strategy shall contain a full and complete assessment of how the budget priorities developed pursuant to subsection (a) reflect and implement the Federal drug control strategy.

#### SEC. 4. TERMINATION OF THE NATIONAL DRUG ENFORCEMENT POLICY BOARD

(a) ~~Termination.~~ ~~The National Drug Enforcement Policy Board is terminated 90 days after the appointment of the Director. Upon such termination, all records and property of the National Drug Enforcement Policy Board shall be transferred to the Office of the Director. The Director of the Office of Management and Budget shall take such actions as are necessary to facilitate such transfer.~~

(b) ~~Repeal.~~ ~~(1) Chapter XIII of title II of the Comprehensive Crime Control Act of 1984 (Public Law 98-473) is repealed.~~

(2) ~~Sections 103, 201, 202, 203, 204, and 206 of the Drug Abuse Prevention, Treatment,~~

and Rehabilitation Act (21 U.S.C. 1103, 1111, 1112, 1113, 1114, and 1116) are repealed. Section 205 of such Act is redesignated as section 201.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS

For the purpose of carrying out this Act, there are authorized to be appropriated \$1,000,000 for fiscal year 1988, and such sums as may be necessary for each of the four succeeding fiscal years, to be available until expended.

#### SEC. 6. COORDINATED BUDGET SUBMISSION FOR FEDERAL DRUG CONTROL AND ENFORCEMENT AGENCIES

Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following:

"(26) a detailed request, in consultation with the Director for National and International Drug Operations and Policy, for Federal agencies responsible for drug abuse prevention and treatment and drug law enforcement."

#### SEC. 7. EFFECTIVE DATE

This Act and the amendments made by this Act shall be effective 90 days after the date of enactment of this Act.

By Mr. D'AMATO:

S. 17. A bill to provide additional funding for comprehensive drug law enforcement, prevention, and treatment; to the Committee on the Judiciary.

#### COMPREHENSIVE DRUG LAW ENFORCEMENT, PREVENTION, AND TREATMENT ACT

• Mr. D'AMATO. Mr. President, one of the greatest accomplishments of the last Congress was enactment of the Anti-Drug Abuse Act of 1986. With the new resources and powers this bill makes available, we have the opportunity to mount the beginnings of a meaningful attack on the drug epidemic that plagues this Nation.

Drug and alcohol abuse constitutes a \$200 billion annual drain on the American economy. In the workplace, it causes massive absenteeism, safety hazards, and losses in productivity. In the schools, substance abuse makes it impossible for teachers to teach and for students to learn. This epidemic is responsible for more than half of all crimes committed today.

Such an enormous problem will not be solved by one bill. So, while the Anti-Drug Abuse Act is an important beginning, it is only a beginning. The Comprehensive Drug Law Enforcement, Prevention, and Treatment Act will enable us to expand the campaign against substance abuse with the full commitment necessary.

Despite all the claims made on its behalf, and all its excellent provisions, the law we enacted in the fall is a very limited one. For example, it provides less than \$200 million in new money to State and local drug abuse agencies for treatment and rehabilitation programs. That is enough for a year of residential treatment for fewer than 20,000 young people. Even with this new law, tens of thousands more who need help will not receive it.

As H.R. 5484 moved back and forth between the House of Representatives and the Senate during the month of October, it underwent several revisions. Unfortunately, not all of these changes improved the bill.

One of the unfortunate changes is the deletion of the provisions establishing a new Drug Asset Forfeiture Fund. Sections 1151 and 1152 providing for this special fund were contained in the version of H.R. 5484 that was printed in the Congressional Record on October 6, 1986. They can be found at page S15210.

Had these sections not been deleted, forfeited drug assets would be available for the following key purposes:

First, Federal drug law enforcement programs;

Second, Federal programs relating to education, prevention, treatment, rehabilitation, and research;

Third, State, local and nonprofit agencies with drug abuse responsibilities; and

Fourth, State and local law enforcement agencies for drug law enforcement efforts.

The bill I introduce today restores the deleted provisions. As the sponsor of S. 1583, the original Comprehensive Drug Law Enforcement, Prevention and Treatment Act introduced on August 1, 1985, I am pleased to note that two of the reforms contained in that bill were incorporated into H.R. 5484: the Justice and Customs forfeiture funds have been extended beyond fiscal year 1987 and made a permanent part of our antidrug arsenal; and the limitation on the authorized amount of the Customs Forfeiture Fund has been removed.

Each year, Federal drug law enforcement agents seize hundreds of millions of dollars in drug money and the proceeds of drug sales. As we make better use of our drug forfeiture laws, this amount is continuing to increase dramatically.

The bill I am introducing today will permit us to make all forfeited drug assets available for a sustained national war on drugs. It strengthens our support for the law enforcement purposes already established by law, and provides additional support for other drug law enforcement purposes, as well as for underfunded drug prevention, treatment, and research programs.

As our forfeiture efforts attain their full potential, this bill will enable us to hire hundreds of additional drug law enforcement agents, inspectors, investigators, and prosecutors. It will enable our drug law enforcement agencies to modernize their communications networks and investigative capabilities, to expand their money laundering and financial investigations against drug kingpins, to mount a more effective campaign against crack, heroin, designer drugs and other dangerous drugs, and to tend to a host of other law enforcement needs that are not now being met.

With the funds this bill makes available for effective education and prevention programs, we will be able to

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teach millions more children to say no to drugs while in the earliest grades when they are still reachable, and we will be able to counter the peer pressure to use drugs that develops as early as the fifth grade and continues throughout junior high school and high school.

We cannot ignore the long waiting lists of those already abusing drugs who now seek treatment. I urge my colleagues to support this bill to reach more people who need help in recovering from drug dependency.

Mr. President, we need massive reinforcements of people and resources, sustained over many years, to win the war on drugs. Welcome as the Anti-Drug Abuse Act of 1986 is, we cannot permit it to mark the height of our achievement. Millions of Americans who live in fear because of drug-related crime, millions of those who are drug and alcohol dependent, and millions of children who hope one day to attend drug-free schools, are telling us that we can, and we must, do better.

Whether we do so, and whether the drug bill we passed in October marks a historic turning point, or a short-lived moment of enthusiasm, depends on the actions we take in this Congress.

The Comprehensive Drug Law Enforcement, Prevention, and Treatment Act enables us to sustain the momentum begun in October. At no additional cost to the taxpayer, it can provide a much-needed new source of revenue and new resources for drug law enforcement, prevention, and rehabilitation. It can help make our homes, streets, schools, and workplaces safe again. It can help remove from the American economy the hundreds of billions of dollars in costs under which it is now straining.

In order to ensure a sustained and strengthened antidrug abuse campaign that is equal to the enormous challenges we face, I urge my colleagues to cosponsor this legislation and to give it their full support.

Mr. President, I ask that the full text of this bill be printed in the Record in its entirety at the conclusion of my remarks. Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the Record as follows:

## S. 17

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. The Act may be cited as the "Comprehensive Drug Law Enforcement, Prevention, and Treatment Act."

FUNDING FOR DRUG LAW ENFORCEMENT, PREVENTION, AND TREATMENT PROGRAMS UNDER THE DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND

SECTION 2. (a) Paragraph (1) of section 524(c) of Title 28, United States Code, is amended by—

- (1) striking out "the following purposes of the Department of Justice";
- (2) striking out "and" at the end of subparagraph (F);

(3) striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; and"; and

(4) adding after subparagraph (G) the following:

"(H) disbursements to—

"(i) the Attorney General for transfer, through the Office of Justice Programs, after consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the Secretary of Education, to enhance the following efforts:

"(a) Federal drug law enforcement agencies and programs;

"(b) Federal drug abuse agencies and programs relating to drug abuse education, prevention, treatment, rehabilitation, and research;

"(c) State, local, and nonprofit agencies with drug abuse responsibilities; and

"(d) State and local law enforcement agencies for drug law enforcement efforts.

Funds disbursed under this subparagraph shall not be used to supplement existing funds, but shall be used to supplement the amount of funds that would be otherwise available. Any funds appropriated under this subparagraph shall be divided into fourths and distributed on a basis of one-fourth for the purposes provided in clause (a), one-fourth for the purposes provided in clause (b), one-fourth for the purposes provided in clause (c), and one-fourth for the purposes provided in clause (d)."

FUNDING FOR DRUG LAW ENFORCEMENT, PREVENTION, AND TREATMENT PROGRAMS UNDER THE CUSTOMS FORFEITURE FUND

SECTION 3. (a) Subsection (a) of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) is amended—

(1) by striking out "the following purposes of the United States Customs Services";

(2) in clause (3) by striking out "and" after the semicolon;

(3) in clause (4) by striking the period and inserting in lieu thereof "; and"; and

(4) adding after clause (4) the following:

"(5) disbursements to—

"(A) the Secretary of the Treasury for transfer, after consultation with the Commissioner of Customs, the Attorney General, the Secretary of Health and Human Services, and the Secretary of Education, to enhance the following efforts:

"(i) Federal drug law enforcement agencies and programs;

"(ii) Federal drug abuse agencies and programs relating to drug abuse education, prevention, treatment, rehabilitation, and research;

"(iii) State, local, and nonprofit agencies with drug abuse responsibilities; and

"(iv) State and local law enforcement agencies for drug law enforcement efforts.

Funds disbursed under this subparagraph shall not be used to supplement existing funds, but shall be used to supplement the amount of funds that would be otherwise available. Any funds appropriated under this subparagraph shall be divided into fourths and distributed on a basis of one-fourth for the purposes provided in clause (i), one-fourth for the purposes provided in clause (ii), one-fourth for the purposes provided in clause (iii), and one-fourth for the purposes provided in clause (iv)."

SECTION 4. The provisions of this Act shall become effective on October 1, 1987.

By Mr. MOYNIHAN:

S. 18. A bill to repeal the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977,

with instructions that if one committee reports, the other has thirty days of continuous session to report or be discharged.

## GRAMM-RUDMAN REPEAL ACT

• Mr. MOYNIHAN. Mr. President, I rise on this first day of the 100th Congress to introduce legislation to repeal the Gramm-Rudman-Hollings law, except for those provisions which affect restoration of moneys disinvested from the Social Security trust funds, and that section of the law which moves Social Security off budget.

During October, November, and December of 1985, and throughout the second session of the 99th Congress, I urged Congress first to oppose the original legislation, and subsequently to repeal it. There were 24 votes against GRH to begin with. By August 1986 there were 30 votes for repeal.

With the passage of Gramm-Rudman-Hollings, Congress attempted to give up its responsibility to set priorities and make decisions about how to spend Federal moneys. A series of declining deficit ceilings was enacted, along with a mechanism to automatically cut spending if Congress and the President could not agree on a more appropriate fiscal plan.

Eight months later, in July of 1986, the Supreme Court ruled that the process leading to the issuance of the sequester order by the President was unconstitutional—Congress would have to pass a law to enact reductions in spending. The next month, the original sponsors attempted to fix the law by amending it with a new process, one which they hoped would pass constitutional muster, for achieving automatic spending cuts. This effort received less support in the Senate than had the original legislation, but still it passed. The House of Representatives rejected the proposal, which would have given the Director of the Office of Management and Budget significant discretion over the content of future sequester orders.

I expect that in May, when Congress must once again increase the statutory limit on the Federal debt, we will revisit the question of whether or not to fix Gramm-Rudman-Hollings. Again, backed up against the disaster of the potential default of the Federal Government, the House and Senate will have to vote on a measure to force unelected officials to do our job: to solve our current fiscal crisis.

One thing is clear. The Gramm-Rudman-Hollings law has not lived up to the promises of its sponsors. The deficit ceilings have not been met; the deficit for fiscal year 1986 was \$221 billion, not \$172 billion as contemplated by the law in December, 1985, or even \$208 billion as expected in March 1986. For fiscal year 1987, the deficit will be greater than the \$144 billion ceiling established in the law. The administration now reports an estimated fiscal year 1987 deficit of \$174.5 billion, and